

(MPEP § 803). Applicants respectfully traverse the Restriction Requirement on the ground that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between any of Groups I-III.

The Examiner has categorized the relationship between the claims of Groups I and II as one of product and process of use. Inventions so related are distinct if: (1) the process of using the product, as claimed, can be practiced with another materially different product; or (2) the product, as claimed, can be used in a materially different process (MPEP § 806.05(h)). The Examiner has attempted to demonstrate patentable distinctness by asserting that the compositions of Claims 1-12 can be used in a “materially different process of using as indicated in the instant claims.” However, the Examiner has not explained how using the composition of Group I in a method according to “the instant claims” is materially different from that claimed method.

The Examiner has also categorized the relationship between the claims of Groups I and III in a similar manner and relied on the same reasoning to support a conclusion of patentable distinctness between these groups. However, the conclusion of patentable distinctness between the claims of Groups I and III fails for essentially the same reason set out above in the context of Groups I and II.

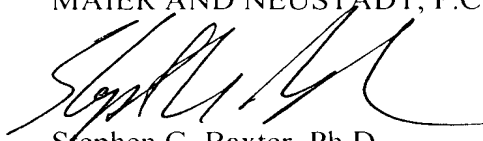
As for the claims of Groups II and III, the Examiner merely recites the preambles of Claims 13 and 17 and then concludes patentable distinctness without any other explanation. Merely restating the preambles of the claims surely cannot constitute an adequate reason or example on which patentable distinctness can be based.

For all of these reasons, the Restriction Requirement is improper and should be withdrawn.

Applicants submit that the application is now ready for examination on the merits, and
early notification of such action is earnestly solicited.

Respectfully submitted,

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